

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Jeffrey Smith, et al., :  
:   
Plaintiff(s), : Case Number: 1:10cv718  
:   
vs. : Chief Judge Susan J. Dlott  
Indian Hill Exempted Village School District, :  
et al., :  
:   
Defendant(s). :  
:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on May 5, 2011 a Report and Recommendation (Doc. 31). Subsequently, the plaintiffs filed a Motion for Extension of Time to file objections to the Report and Recommendation (Doc. 34) which the Court granted on May 20, 2011 (Doc. 35). Plaintiffs were granted an additional 30 days or until no later than 5:00 PM on June 20, 2011 to file objections to such Report and Recommendation. On June 20, 2011, plaintiffs filed five motions, one of which the Court took as plaintiffs' objections to the Report and Recommendation (Doc. 36). The remaining four motions are as follows:

1. Plaintiffs' Motion to Issue Criminal Warrants (Doc. 38) is a frivolous motion without any memorandum or evidence offered in support.
2. Plaintiffs' Motion to Make Permanent Injunctions (Doc. 40) provides no legal basis for an injunction. It is a one-sentence motion, which like plaintiffs' Petitions for Federal

Injunctions, does not “remotely approach the legal standard that plaintiffs are required to satisfy an order to obtain injunctive relief”. (See Report and Recommendation, pg. 19).

3. Plaintiffs’ Motion to Immediate Summary Judgment (Doc. 37) demonstrates plaintiffs’ ignorance of the law. There is no evidence provided in support of this motion, just rambling legal argument which plaintiffs’ swear is “true and correct”. Since plaintiffs cannot survive a motion to dismiss, they are certainly not entitled to summary judgment. Plaintiffs would have been better served providing factual and legal objections to the Report and Recommendation instead of filing frivolous motions.

4. The fourth and final Motion to Attach Defendants’ Financial Accounts (Doc. 39) is the most frivolous of plaintiffs’ motions. There has been no monetary judgment issued in plaintiffs’ favor. This is simply another baseless motion filed by plaintiffs for the purposes of harassment.

The defendants have reasserted their request for attorney fees as set forth on page 15 of their Motion to Dismiss (Doc. 42). The motions of the plaintiffs demonstrate their continued harassment of the defendants. Plaintiffs were warned on pages 17 - 18 of the Report and Recommendation that “Defendants’ Request for Sanctions present a close issue in this case. Should Plaintiffs continue to engage in a pattern of conduct that suggests abuse of the litigation process, sanctions may well be warranted.” Apparently that warning was of no consequence to the plaintiffs. The Court finds that only an award of sanctions will deter these harassing, frivolous motions.

A response to the objections was filed by the defendants on August 29, 2011 (Doc 46).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the

Court **ORDERS** the following:

The State Defendants' interim motion to abstain from ruling on this case pending the outcome of state proceedings (Doc. 10) is **DENIED**. Defendants' alternative motion to dismiss (Doc. 9) is **GRANTED**.

The Attorney Defendants' motion to dismiss for failure to state a claim (Doc 19) is **GRANTED**.

The District Defendants' motion to dismiss for failure to state a claim (Doc. 21) is **GRANTED** and their request for an award of fees is **GRANTED**.

Plaintiffs' motions to assign the burden of proof to all the Defendants and for sanctions (Doc. 23) as well as Plaintiffs' motion for federal injunctions (Doc. 28) are **DENIED**.

The entirety of plaintiffs' complaint is **DISMISSED** with prejudice and terminated from the docket.

The motions filed by Plaintiff on June 20, 2011 (Docs. 37 through 40) are hereby **DENIED as MOOT**.

IT IS SO ORDERED.

s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court